


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
**JAN 08 2007**  
  
CLERK

\*\*\*\*\*

UNITED STATES OF AMERICA, \*

CR 06-40088

Plaintiff, \*

vs. \*

ORDER

KENNETH H. KEELER, JR., \*

Defendant. \*

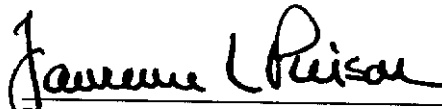
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As a result of the Defendant's Motion to Reconsider Magistrate's Order Pursuant to U.S.C. § 636(b)(1)(A), Doc. 44, filed December 15, 2006, this Court has reviewed the transcript of the hearing held before Magistrate Judge Simko. The Court has reconsidered Judge Simko's Order and does not reverse that Order. The Court is concerned about the issue of mental competency in part because of the possibility which was suggested in the record that the Defendant might be suffering from fetal alcohol syndrome. Accordingly, the Defendant's Motion for an overruling of the Magistrate's ruling is denied as the record of the hearing as a whole does support the Order entered by Judge Simko.

IT IS SO ORDERED.

Dated this 8th day of January, 2007.

BY THE COURT:



Lawrence L. Piersol  
United States District Judge

ATTEST:  
JOSEPH HAAS, CLERK

BY:   
DEPUTY